



## CERTIFICATE OF MAILING

Pre Plant Patent Application of: **MARK A. SMITH**

Serial number: **10/764,865**

Group Art Unit: **1661**

Filed: **JANUARY 26, 2004**

Examiner: **J. HWU**

Titled: **CHRYSANTHEMUM PLANT NAMED 'ZESTY YOVANESSA'**

Commissioner of Patents  
P.O. Box 1450  
Alexandria, Virginia 22313

Dear Sir:

I hereby certify that the following papers associated with the above-referenced U.S. Plant Patent application are being deposited as First Class Mail with the U.S. Postal Service on the date shown below.

- Request for Reconsideration;
- Substitute Specification; Claim and Abstract;
- Substitute Photographs;
- Petition for Extension of Time Under 37 C.F.R. 1.17(a)(1); and
- A check for the Extension Fee for response within the first month, \$120.00.

Respectfully submitted,

Date: June 8, 2005

Catherine Anne Whealy  
Registration No. 39,419  
P.O. Box 220  
Tolar, Texas 76476  
TEL: 1-254-835-5150

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Plant Patent Application of: **MARK A. SMITH**

Serial number: **10/764,865**

Group Art Unit: **1661**

Filed: **JANUARY 26, 2004**

Examiner: **J. HWU**

Titled: **CHRYSANTHEMUM PLANT NAMED 'ZESTY YOVANESSA'**

**SUBSTITUTE SPECIFICATION & PHOTOGRAPH AND  
REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.125(a)**

Commissioner of Patents and Trademarks  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Commissioner:

In response to the Office Action mailed February 22, 2005, the Examiner is respectfully requested to reconsider the outstanding rejections in the light of the enclosed substitute photographs (in duplicate), substitute specification, claim and abstract.

The drawing was objected to under 37CFR 1.165(a) and the disclosure was objected to under 37 U.S.C. § 163(a) and under 35 U.S.C. 112, first paragraph, because the specification presents less than a full, clear and complete botanical description of the claimed plant and the characteristics which distinguish the claimed plant from related, known varieties and its antecedents.

In response to the Examiner's objections, substitute photographs and substitute specification, claim and abstract have been submitted with respect to the Examiner's comments and requests.

Favorable reconsideration of the application is requested in view of the substitute photographs and substitute specification, claim and abstract. With these additions and changes, the application is believed to be in condition for allowance, and such action is respectfully requested.

In the event any outstanding deficiencies remain, the Examiner is requested to contact the undersigned agent of record so that allowance of the application can be expedited.

Respectfully submitted,

Date: June 8, 2005



Catherine Anne Whealy, Reg. No. 39,419  
P.O. Box 220  
Tolar, Texas 76476  
TEL: 1-254-835-5150

